

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: 21 September 2005

Division: Growth Management

Bulk Item: Yes X No

Department: Marine Resources

Staff Contact: George Garrett / Matt Van Ess

AGENDA ITEM WORDING:

Approval of a Resolution authorizing the Land Steward to carry out the mitigation obligations of the Key Largo Wastewater Treatment District for the clearing of its treatment plant site and to provide the mitigation funds authorized to the District in the amount of \$294,708.08 by the BOCC at the August 18, 2004 meeting to the Land Steward to allow him to complete required mitigation projects for the District.

ITEM BACKGROUND:

The Key Largo Wastewater Treatment District, in receipt of FEMA Unmet Needs funds, was allowed to clear up to 2.6 acres of land at its treatment plant site at Mile Marker 100.5. The U.S. Fish and Wildlife Service (FWS) Biological Opinion documented in the FEMA Environmental Assessment of the Key Largo Wastewater Treatment System required mitigation for the loss of the 2.6 acres of habitat. The BOCC at its August 18, 2004, regular meeting authorized the release of \$294,708.08 of Fund 304 money to the District to carry out the mitigation obligations required by FEMA and FWS. Since that time, in consultation with the County, FEMA, and FWS, it has been determined that the most effective way to complete the mitigation effort is to authorize the Monroe County Land Steward to complete the project. The attached resolution allows the funds authorized by the BOCC in August of 2004 to be utilized instead by the Land Steward to complete the obligation. The Land Steward will use the funds to restore 2.6 acres of upland habitat on County and/or state properties.

PREVIOUS RELEVANT BOCC ACTION:

August 18, 2004 – Authorization of funds

CONTRACT/AGREEMENT CHANGES:

NA

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: \$294,708.08 **BUDGETED:** Yes X No

COST TO COUNTY: \$294,708.08 **SOURCE OF FUNDS:** Fund 304

REVENUE PRODUCING: Yes No X **AMOUNT Per Month** **Year**

APPROVED BY: County Atty X OMB/Purchasing X Risk Management X

DIVISION DIRECTOR APPROVAL:  Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included X Not Required

DISPOSITION: **AGENDA ITEM NO.:**

RESOLUTION NO. 2005

A RESOLUTION OF THE MONROE COUNTY BOARD OF COMMISSIONERS AUTHORIZING THE MONROE COUNTY LAND STEWARD TO TAKE OVER AND COMPLETE THE MITIGATION OBLIGATIONS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT FOR THE AUTHORIZED CLEARING OF THE DISTRICT'S TREATMENT PLANT SITE AT MILE MARKER 100.5 AND AUTHORIZING THE LAND STEWARD TO UTILIZE FUNDS MADE AVAILABLE TO THE DISTRICT BY THE BOCC ON 18 AUGUST 2004 AT ITS REGULAR MEETING SO THAT FUNDS ARE AVAILABLE TO THE LAND STEWARD TO COMPLETE THE MITIGATION EFFORT.

WHEREAS, the Key Largo Wastewater Treatment District, in receipt of FEMA Unmet Needs funds, was allowed to clear up to 2.6 acres of land at its treatment plant site at Mile Marker 100.5; and

WHEREAS, the U.S. Fish and Wildlife Service (FWS) Biological Opinion documented in the FEMA Environmental Assessment of the Key Largo wastewater project required mitigation for the loss of the 2.6 acres of habitat at the treatment plant site; and

WHEREAS, the BOCC at its August 18, 2004 regular meeting authorized \$294,708.08 of Fund 304 (Infrastructure Sales Tax) money to the District to carry out the mitigation obligations required by FEMA and FWS; and

WHEREAS, the Monroe County Land Steward is more knowledgeable and better qualified to carry out the mitigation obligations of the Key Largo Wastewater Treatment District; and

WHEREAS, the BOCC established the County "Environmental Land Management and Restoration Fund" through Resolution 112-2004 to hold mitigation funds as they become available so as to allow completion of environmental restoration and mitigation projects; and

WHEREAS, the Key Largo Wastewater Treatment District, FEMA, and the FWS agree that turning the mitigation obligations over to the Land Steward is acceptable and appropriate,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, MONROE COUNTY, FLORIDA THAT:

1. The Monroe County Land Steward is authorized to act on behalf of the Key Largo Wastewater Treatment District to take over and complete the mitigation obligations of the District for land clearing at the Mile Marker 100.5 treatment plant site.

Marine Resources

2. The Monroe County Land Steward is authorized to utilize funds made available to the District by the BOCC at its August 18, 2004 meeting (\$294,708.08) to complete the mitigations obligations.
3. The Monroe County Department of Management and Budget is requested to take necessary action to ensure that the aforementioned funds are available to the Monroe County Land Steward by no later than the October 2005 BOCC meeting.

PASSED AND ADOPTED by the Board of County Commissioners, Monroe County, Florida at a regular meeting of said Board held on the 21st day of September, A.D., 2005.

Mayor Dixie Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____
Commissioner Murray Nelson	_____

BOARD OF COUNTY COMMISSIONERS
MONROE COUNTY, FLORIDA

BY: _____
MAYOR/CHAIR PERSON

(SEAL)

ATTEST: DANNY I. KOLHAGE, CLERK

BY: _____
AND
 DEPUTY CLERK

APPROVED AS TO FORM

LEGAL SUFFICIENCY

BY: Kerry L. Willis 9.2.05
ATTORNEY'S OFFICE